



STATE OF WASHINGTON
WASHINGTON STATE BOARD OF HEALTH
*1102 SE Quince Street • PO Box 47990
Olympia, Washington 98504-7990*

June 12, 2002

To: Washington State Board of Health Members
From: Tom Locke, SBOH Board Member
Re: VACCINE SHORTAGE—EMERGENCY RULEMAKING FOR WAC
246-100-166

Background and Summary

Over the past two years, Washington has been experiencing shortages of a growing number of vaccines. This national vaccine shortage now involves the vaccine DTaP, which is required for school and child care entry in Washington. Use of this vaccine is being prioritized for children at highest risk of vaccine-preventable disease—those undergoing their three-dose primary vaccination series. The fourth dose of the vaccine (usually given at 15-18 months of age) is now being deferred statewide. In many areas of the state the fifth dose, given at four to six years of age, is also being deferred. The State Board of Health is responsible for setting immunization requirements for school and child care entry (WAC 246-100-166—Immunization of Child Care and School Children Against Certain Vaccine-Preventable Diseases). The current rule does not contain a provision for dealing with a vaccine shortage. Schools and licensed child care facilities are required to keep children out of school until they meet all immunization requirements or assert a medical, religious, or personal exemption.

The health and safety of children are our paramount concerns. The vaccine shortage crisis is national in scope and origin; public health agencies are responding to this crisis by using limited vaccine supplies to maximize protection for children at highest risk for serious complications of vaccine preventable disease. At this time the main risk for under-vaccinated school age children or children who attend child care concerns adequate protection against pertussis. While vaccination is our best tool to prevent pertussis, it is not our only tool. Additional tools—surveillance and treatment of cases and contacts with antibiotics—remain available to stop pertussis outbreaks.

At today's meeting, I ask the Board to conduct emergency rulemaking to WAC 246-100-166 in order to create conditional school and child care entry criteria for state mandated vaccines. This would be accomplished by delegating authority to the State Health Officer to declare a specific vaccine shortage. The emergency rule change needs to occur now for

it to take effect before school starts and it would be in effect for 120 days. The Board will consider a permanent rule change in October.

If the Board does not grant an emergency rule change, I am concerned that many parents would use the current exemption options in order to bypass the immunization requirements and allow their children to enter school or child care. Once exempted from the vaccine requirement, it is uncertain how many of these children will become fully immunized once the DTaP vaccine shortage is resolved. Granting “conditional status” to children who cannot obtain the last dose(s) of DTaP due to the national shortage creates another option for parents. These children will be tracked and targeted for “catch-up” immunizations once vaccine supplies are adequate.

The amendments to WAC 246-100-166 include:

- (1) Delegating authority to the State Health Officer to declare a specific vaccine shortage.
- (2) Making school or child care entry conditional on receiving necessary vaccines within 60 days of the time they become available.
- (3) Updating the current vaccine administration interval in rule from the 1995 ACIP standard to the most current one (December 2001).

A public hearing is not necessary for an emergency rulemaking.

Recommended Board Action:

I recommend that the Board find that because of the current vaccine shortage of DTaP an emergency amendment of WAC 246-100-166—Immunization of Child Care and School Children Against Certain Vaccine-Preventable Diseases is necessary for the preservation of the public welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest because a permanent rule could not be adopted before school resumes in the fall. Further, the amendments should include:

1. Delegating authority to the State Health Officer to declare a specific vaccine shortage.
2. Making school or child care entry conditional on receiving necessary vaccines within 60 days of the time they become available.
3. Updating the current vaccine administration interval in rule from the 1995 ACIP standard to the most current one (December 2001).

Attachments